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JUN 29 2018

STATE OF ILLINOIS
Pollution Control Board

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
JAMES R. THOMPSON CENTER
100 W. RANDOLPH STREET – SUITE 11-500
CHICAGO, IL 60601

JAMES FISER)
842 South Jackson Street)
Mt. Carroll, IL 61053)
Complainant,)

VS.)

PCB 2d8-84

HENRY DOUBLE K, LLC, and)
JAMES L. MEADOR)
834 South Jackson Street)
Mt. Carroll, IL 61053)
Respondent.)

NOISE COMPLAINT


1. The Complainant, James Fiser, is over the age of eighteen and is a residence of Carroll County, Illinois with an address at 842 South Jackson Street, Mount Carroll, Illinois 61053 (“Fiser Residence”). His telephone number is 815-599-1328.
2. That Defendant, James L. Meador, is the owner of Henry’s Double K, LLC with it primary business at 834 South Jackson Street, Mount Carroll, Illinois 61053. His telephone number is 815-244-0180.
3. That Defendant, Henry’s Double K, LLC, is an Illinois limited liability company in good standing with its principal place of business at 834 South Jackson Street, Mount Carroll, Illinois 61053 (“Henry’s Location”). Henry’s Double K is a bar, restaurant and live music venue.
4. Complainant asserts that Respondent violated and continues to violate Title 35: Environmental Protection, Subtitle H: Noise, Chapter 1: Pollution Control Board, Part 900 General Provisions, Section 900.102 Prohibition Of Noise Pollution.

5. Respondent has hosted live music since 2013. Amplified bands play both indoors and outside. The frequency of live music performances varies by the time of year. In the summer, Respondent hosts live music nearly every weekend. In the winter, live music is played about once per month. The music is played as late as 1 a.m. The music is frequently between 60 and 70 decibels on a simple decibel meter from Complainant's property line over 300 feet from Respondent, and occasionally exceeds 70 decibels. The level of noise became unbearable over Memorial Day weekend of 2018.
6. The music can be clearly heard within Complainant's house. It makes normal activities like watching television virtually impossible. It causes great stress and sleep deprivation to the occupants. Complainant has a serious heart condition and high blood pressure, all of which is aggravated by Respondent's live music.
7. That Plaintiff purchased the Fiser Residence in 2005.
8. That the Fiser Residence was originally constructed, materially in its current form, in 1952 as a single-family residence in a residential neighborhood and zoned residential.
9. That Henry's Location was converted from a barn to a playhouse in 1967 by a former owner.
10. Henry's Location was zoned "Downtown Commerce (C2)" in 1979.
11. Defendant Meador purchased the Henry's Location in 2013.
12. No commercial business existed at Henry's Location between 2005 and 2013.
13. The Fiser Residence is approximately 350 feet from the Henry's Location. A large undeveloped field occupies most of the space between the two properties.
14. The master bedroom in the Fiser Residence is the room closest to the Henry's Location.
15. The playing of live amplified music at Henry's Location has significantly interfered with Plaintiff's reasonable comfort and enjoyment of the Fiser Residence.

WHEREFORE, Plaintiff, James Fiser, requests the following:

- A. Order Respondent to cease playing amplified sound or music outside Respondent's building;
- B. Order Respondent to cease playing amplified sound or music after 11 p.m.
- C. Order Respondent's to take measures within Respondent's facility to dampen the sound emanating from Respondent's premises by fifty percent.
- D. For such other relief as the Board deems just.

James Fiser - Complainant

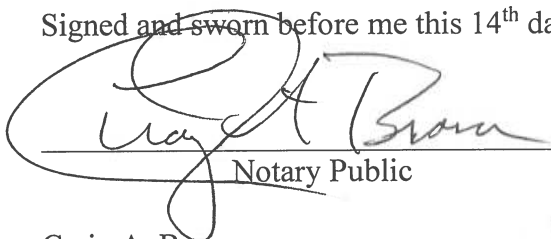

By: Craig A. Brown - His Attorney

State of Illinois)
)Ss
County of Jo Daviess)

James Fiser, being first duly sworn, on oath deposes and states that the information contained in this Complaint is accurate as of June 14, 2018 to the best of his knowledge.


James Fiser - Plaintiff

Signed and sworn before me this 14th day of June 2018.


Notary Public

Craig A. Brown
230 ½ Diagonal Street
Galena, IL 61036
(815) 777-8180
ARDC#6206649



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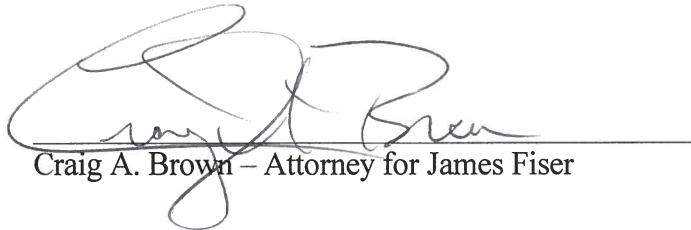
ATTORNEY AFFIDAVIT

NOW COMES the attorney for Complainant, Craig A. Brown, after being duly sworn on oath, states as follows:

1. I personally hand-delivered the Noise Complaint and Notice to Respondent to Respondent at 834 S. Jackson Street, Mt. Carroll, Illinois 61053 on June 26, 2018 at approximately 6:25 p.m.
2. The recipient identified himself as, and was identifiable as, James Meador, owner of Henry's Double K, LLC.

Further Affiant Sayeth Not:

Drafted by:
Attorney for the Estate:
Craig A. Brown
230 ½ Diagonal Street
Galena, IL 61036
(815)777-8180
ARDC#6206649


Craig A. Brown – Attorney for James Fiser

CERTIFICATE OF SERVICE

I, the undersigned, on oath or affirmation, state that on (month, day, year) June 26, 2018, I served the attached formal complaint and notice on the respondent by: (check appropriate line)

certified mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

registered mail (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

messenger service (attach copy of receipt if available, otherwise you must file receipt later with Clerk)

personal service (attach affidavit if available, otherwise you must file affidavit later with Clerk)

at the address below:

RESPONDENT'S ADDRESS:

Name Henry's Double K and James Meador

Street 834 S. Jackson Street

City, state, zip code Mt. Carroll, IL 61053

(list each respondent's name and address if multiple respondents)

Curtis Brown - Attorney
Complainant's signature

Street 230 1/2 Diagonal Street

City, state, zip code Galena, IL 61036

Subscribed to and sworn before me this 27th day of June, 2018

Maria A. Pitt
Notary Public

My commission expires: 2/22/2019

